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PTO/SB/21 (02-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/811,549
		Filing Date	March 29, 2004
		First Named Inventor	Marcus L. Scott
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	5	Attorney Docket Number	HO-P02759US3

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FULBRIGHT & JAWORSKI L.L.P. Melissa L. Sistrunk - 45,579
Signature	
Date	June 30, 2004

Transmittal

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Dated: June 30, 2004

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Dated: June 30, 2004 Signature: (Monica L. Thomas)

Docket No.: HO-P02759US3
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marcus L. Scott et al.

Application No.: 10/811,549

Filed: March 29, 2004

Art Unit: N/A

For: PREPARATION OF A CELL
CONCENTRATE FROM A
PHYSIOLOGICAL SOLUTION

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing of the first Office Action on the merits, so far as is known to the undersigned.

A copy of each reference on the PTO/SB/08 is attached.

Those patent(s) or publication(s) which are marked with a double asterisk (**) next to the Cite No. in the attached form PTO/SB/08 (facsimile) are not supplied because they are U.S. patents or U.S. patent applications.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other
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material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

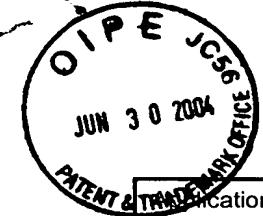
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02759US3. A duplicate copy of this paper is enclosed.

Dated: June 30, 2004

Respectfully submitted,

By 

Melissa L. Sistrunk
Registration No.: 45,579
FULBRIGHT & JAWORSKI L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5151
(713) 651-5246 (Fax)
Attorney for Applicant



PATENT & TRADEMARK OFFICE Application No. (if known): 10/811,549

Attorney Docket No.: HO-P02759US3

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IDS (Citation) by Applicant



PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	1	Attorney Docket Number	HO-P02759US3
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA**	US-6,010,627	01-04-2000	Andrew G. Hood, III, et al.		
AB**	US-6,342,157	01-29-2002	Andrew G. Hood, III, et al.		
AC**	US-5,824,084	10-20-1998	George F. Muschler		
AD**	US-6,049,026	04-11-2000	George F. Muschler		
AE**	US-6,398,972	06-04-2002	Lou Blasetti		
AF**	US-6,544,751	04-08-2003	Harvey Brandwein, et al.		
AG**	US-2002/179537	12-05-2002	Sivaprasad Sukavaneshvar, et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
BA	WO 96/27397		09-12-1996			
BB	WO 02/089737		11-14-2002			
BC	WO 00/61256		10-19-2000			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
CA	Connolly, John, et al.; Development of an Osteogenic Bone-Marrow Preparation, Journal of Bone and Joint Surgery (June 5, 1989), Vol. 71-A, pp. 684-691.		
CB	Muschler, G. et al.; Spine Fusion Using Allograft Bone Matrix Enriched in Bone Marrow Cells and Connective Tissue Progenitors, (2002) The Cleveland Clinic Foundation, Cleveland, OH		
CC	Filtration and Bioprocessing Products for the Third Millennium, Pall Corporation, 2200 Northern Boulevard, East Hills, NY 11548.		
CD	The ABC's of Filtration and Bioprocessing for the Third Millennium, Pall Corporation, 2200 Northern Boulevard, East Hills, NY 11548.		

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25428942.1 Examiner Signature	Date Considered
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